

01-24-02

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Atty. Docket No.: 17633/1235

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener, et al.
Serial No.: 09/963,875
Filed: September 26, 2001
Entitled: "Stem Cells of the Islets of Langerhans
and Their Use in Treating Diabetes
Mellitus"

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Conf. No.: 9674

CERTIFICATE OF MAILING UNDER 37 CFR §1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EL326924010US** on this date, **January 22, 2002**, postage prepaid, in an envelope addressed to Box: Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Kathleen M. Williams

Name of Person Mailing Paper

Signature of Person Mailing Paper

Box: Missing Parts
Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Notice to File Missing Parts mailed October 22, 2001;
2. Copy of Notice to File Missing Parts - Part 2;
3. Petition for one month Extension of Time;
4. Executed Declaration and Power of Attorney;
5. Paper copy of Sequence Listing;
6. Computer readable copy of the Sequence Listing;
7. Check in the amount of \$2,077.00 for the requisite fee; and
8. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 17633/1235.
A duplicate of this transmittal letter is enclosed for this purpose.

Date: January 22, 2002

Respectfully submitted,

Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100



Express Mail Label No.: EL326924010US
Date of Deposit: January 22, 2002

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION

Sir:

This is filed in response to the Notice to File Missing Parts of Non-Provisional Application mailed October 22, 2001.

1. The Notice stated that the basic filing fee and additional claims fee is missing. A check is enclosed in the amount of \$2,077.00 which includes:

- a) \$355.00 basic filing fee for small entity;
- b) \$1,602.00 additional claims fee;
- c) \$65.00 surcharge for late filing fee or declaration; and
- d) \$55.00 extension of time.

2. The Notice stated that the Declaration is unsigned.

An executed Declaration/Power of Attorney is enclosed.

3. The Notice stated that the application does not include a computer readable copy of the sequence listing.

A computer readable copy and paper copy of the sequence listing is enclosed.

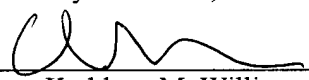
4. The Notice stated that the application does not contain a statement required by CFR 1.821.

In accordance with 37 C.F.R. §1.821 (f) I hereby state that the paper copy and the computer readable form of the Sequence Listing submitted herewith in the above-identified patent application are supported in the application and contain no new matter. I hereby state that the information recorded in computer readable form is identical to the written sequence listing.

In accordance with 37 C.F.R. §1.821 (g), I hereby state that the computer readable form of the Sequence Listing submitted herewith contains no new matter.

Respectfully submitted,

Date: January 22, 2002


Name: Kathleen M. Williams
Registration No.: 34,380
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/963,875	09/26/2001	Joel F. Habener	17633/1235.

27495
PALMER & DODGE,
ONE BEACON STREET
BOSTON, MA 02108-3190

Docketed: *Daen*
Response Due: *Resp to NFMP*
Statutory Period: *12/22/01 (4/22/02 Final)*
Palmer & Dodge LLP
Patent Department

CONFIRMATION NO. 9674

FORMALITIES LETTER



OC000000006937907

Date Mailed: 10/22/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/31/2002 HGBREH1 00000097 160085 09963875

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:202	756.00 OP
03 FC:203	747.00 OP
04 FC:204	140.00 OP
05 FC:205	64.00 OP
	1.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$1602.
 - \$747 for 83 total claims over 20.
 - \$720 for 18 independent claims over 3.
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2022.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

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Palmer & Dodge, LLP
Patent Department